

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEWEL ANDERSON, :

Plaintiff, :

- against - :

07 CV 6256 (DC)

LIFE INSURANCE COMPANY OF NORTH AMERICA, :

Defendant. :

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**MOTION TO TRANSFER VENUE TO THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA**

Pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406(a), defendant Life Insurance Company of North America (“LINA”), hereby moves this Court to transfer this matter to the United States District Court for the Northern District of Georgia.

Plaintiff alleges that LINA, as the provider of Plaintiff’s long term disability insurance coverage, violated the Employee Retirement Income Security Act (“ERISA”) by improperly denying Plaintiff’s claim for long term disability benefits.

Venue is improper in the Southern District of New York under ERISA’s venue provision, 29 U.S.C. § 1132(e)(2). Plaintiff is a resident of Georgia and received all of his medical treatment there and in North Carolina. LINA is a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania, and plaintiff’s claim for long term disability benefits was reviewed by LINA’s claims operations in Pittsburgh, Pennsylvania. This matter has no connection to New York to subject it to venue in the Southern District of New York.

In support of this motion to transfer venue to the United States District Court for the Northern District of Georgia, LINA attaches a memorandum of law, an affidavit from Richard Lodi, and a declaration from Emily Hayes.

Dated: White Plains, New York
November 1, 2007

DEFENDANT LIFE INSURANCE COMPANY OF
NORTH AMERICA

By: /s/Emily A. Hayes
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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2007, the foregoing Motion to Transfer to the United States District Court for the Northern District of California was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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